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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,645	06/13/2000	Joseph A. Manico	81254F-P	7582

1333 7590 11/03/2004
PATENT LEGAL STAFF
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ROCHESTER, NY 14650-2201

EXAMINER

HENDERSON, MARK T

ART UNIT PAPER NUMBER

3722

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,645

Applicant(s)

MANICO ET AL

Examiner

Mark T Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 29-34 and 44-47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9, 29-34 and 44-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: Attachment I and II.

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DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9302 (Official) and (703)872-9303 (for After Finals). This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1, 29, 44, 45 and 47 have been amended for further examination. Claims 10-28 and 35-43 have been canceled.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-9, 29-33 and 44-47 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592).

Applebaum et al discloses in Fig. 4-6 and in Attachment I, an image product comprising: a first continuous non-interrupted support substrate (34, and a first portion of attachment section (48a) of the hinge 48) having a separate image layer (ink layer which forms the picture); a second continuous non-interrupted support substrate (36, and a second portion or attachment section (48b) of the hinge 48) having a separate image layer (ink layer which forms the picture); the second continuous support substrate secured (by hinge) to the first support substrate to form a dual sided integral composite image product (30, as seen in Fig. 4 and 6, and in Col. 5, lines 25-28); said image product having a plurality hinge lines (G and G') about which the image product may be folded; wherein the substrates are made from a photographic media and paper; a cover (20, as seen in Fig. 4) for holding a hinge leaf (8), and an attaching member (which can be in the form of binding posts (rings), as stated in Col. 3, lines 50-55) to secure the leaf to the cover; and

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wherein the composite image product comprises a free standing product (Fig. 4). Applebaum further discloses that the print can further be made into numerous panels in which they are separated by a fold line (Col. 5, lines 55-65).

However, Applebaum et al does not disclose a fold line per se about which the integral composite may be folded.

Robertson et al discloses in Fig. 3 and in Attachment II, a first substrate (168 and a first portion of hinge film (164a)), and a second substrate (172 and a second portion of hinge film (164b)), wherein the hinge between the substrates is a hinge/fold line (Col. 3, lines 40-49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's image product with a hinge having a fold line as taught by Robertson et al for the purpose of enabling the folding of the two substrates.

In regards to **Claim 1**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the first and second support substrate integrally, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Therefore, the first and second support substrates of the Applebaum reference are capable of being an integral substrate since the image on the face of the substrate is a continuous from one substrate to another.

In regards to **Claims 6 and 7**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the substrates and image layer in any desirable material, since it has been held to be within the general skill of a worker in the art to

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select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Therefore, it would have been obvious to construct the substrate in any material, since applicant has not disclosed the criticality of a having a particular material, and invention would function equally as well with any material.

4. Claim 3 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al (6,293,592), and further in view of Douglas (5,815,964).

Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as claimed in Claims 1 and 2, and as set forth above. However, Applebaum et al and Robertson et al do not disclose wherein the image product allows for a Z-type fold.

Douglas discloses in Fig. 1 and 2, an image product (10) comprising a plurality of fold lines (14 and 16) for providing a Z-type fold in the image product.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product to include a Z-type fold as taught by Douglas for the purpose of folding multiple panels in a compact position.

5. Claim 34 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Applebaum et al in view of Robertson et al and further in view Hansen.

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Applebaum et al as modified by Robertson et al discloses an image product comprising all the elements as disclosed in Claims 29-33, and as set forth above. However, Applebaum et al does not disclose a scored line on the leaf with the opening allowing the leaf to be installed in a binding attachment.

Hansen discloses in Fig. 1, an image product leaf (wherein the image product consist of the final product of the support substrate (10) and the image layer document (not shown) placed on the support substrate) having scored lines (11) with the opening.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's and Robertson et al's image product leaf to include scored lines with the opening as taught by Hansen for the purpose of assisting with the removal of the leaf.

Response to Arguments

6. Applicant's arguments filed on February 24, 2004 have been fully considered but they are not persuasive.

In regards to applicant's argument's that the Applebaum et al reference does not depict an "integral composite image product" and that the reference does not further teach a "continuous non-interrupted support substrate", the examiner submits that Applebaum et al discloses separate

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image product substrates connected by a hinge as a means of folding. The Robertson et al reference is only cited to disclose a first substrate and a second substrate which are separated by a hinge/fold line between the substrates as indicated above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applebaum et al's image product with a hinge having a fold line as taught by Robertson et al for the purpose of enabling the folding of the two substrates. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the first and second support substrate integrally, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Therefore, the first and second support substrates of the Applebaum reference are capable of being an integral substrate since the image on the face of the substrate is continuous from one substrate to another.

As stated in the previous advisory action, the applicant does not limit the claims to a continuous, non-interrupted support substrate (wherein the support substrate is continuous having a first support substrate portion and a second support substrate portion, as shown in Fig. 11, 12 and 13). The examiner is interpreting that Fig. 11-14 depict a support substrate sheet layer (12) being a non-interrupted continuous support substrate, wherein the non-interrupted continuous support substrate layer is embossed forming a **first continuous non-interrupted substrate portion** and a **second continuous non interrupted substrate portion**. Applicant is clearly claiming a first and second continuous support substrate (which are capable of being separate)

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which is no different than claiming a first and second support substrate (as disclosed by Applebaum et al). The claims still disclose two separate support substrates. Applicant further discloses that both support substrates are “secured”, but does not disclose where they are secured. Are they secured at their opposite edges or sides?

Therefore, the rejections have been maintained.

Conclusion

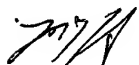
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

October 28, 2004



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

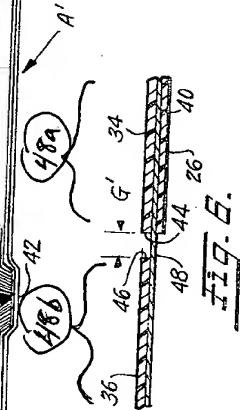
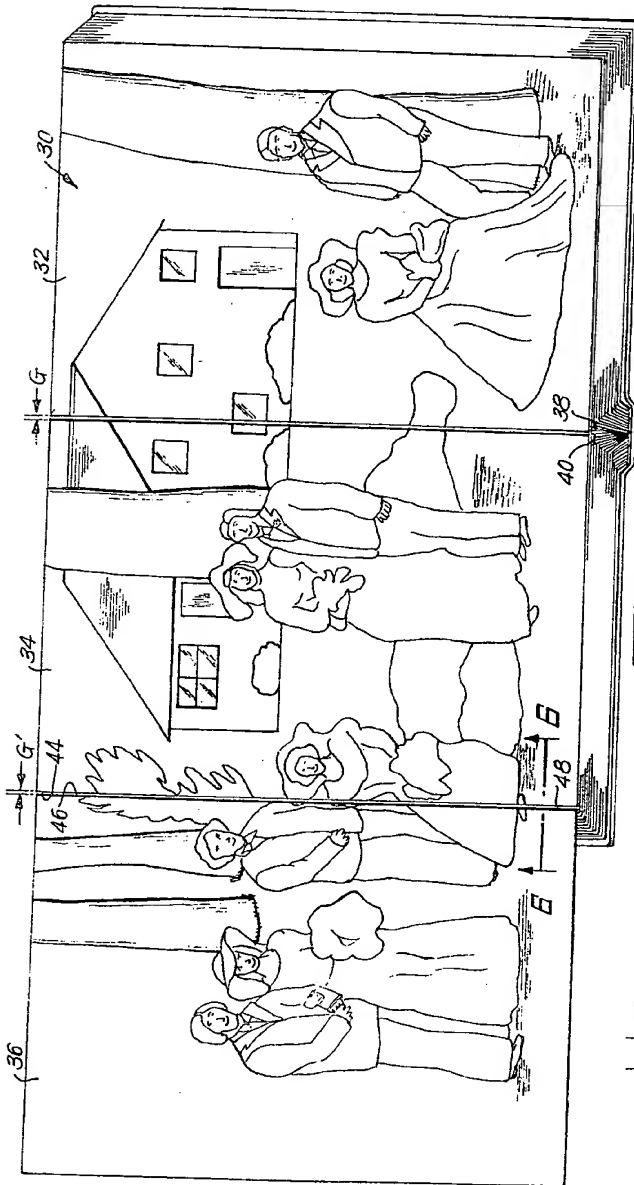


FIG. 4.

FIG. 5.

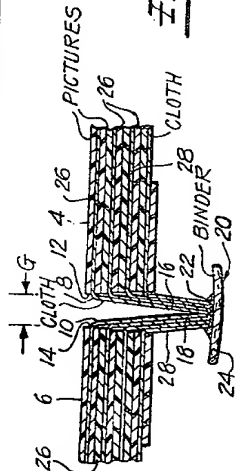


FIG. 3

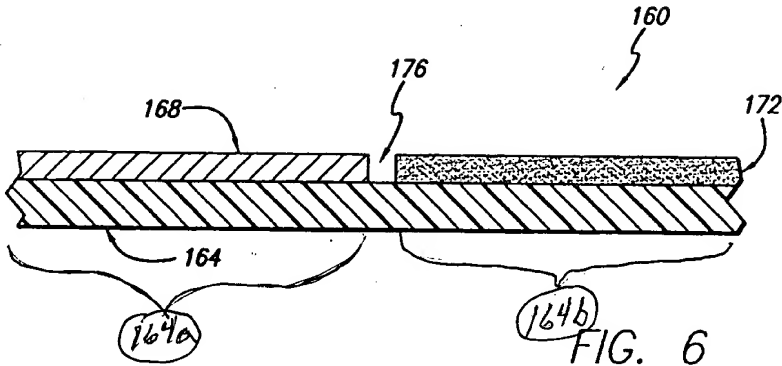


FIG. 6

